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13 *Attorneys for Plaintiff and Proposed Class*

14 UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 ANDREW PARSONS, individually and on
 17 behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 KIMPTON HOTEL & RESTAURANT
 21 GROUP, LLC

22 Defendant.

Case No. 3:16-cv-05387-VC

**DECLARATION OF MICHAEL F.
 RAM IN SUPPORT OF MOTION FOR
 FINAL APPROVAL AND FOR
 ATTORNEY’S FEES AND
 EXPENSES**

27

1 I, Michael F. Ram, declare as follows:

2 1. I am a partner with the law firm of Robins Kapan LLP (“Robins Kaplan”),
3 counsel of record for Plaintiff in this matter. I am admitted to practice before this Court and am a
4 member in good standing of the California State Bar. I make this Declaration of my own
5 personal knowledge. If called upon to testify, I could and would testify competently to the truth
6 of the matters stated herein. I respectfully submit this declaration in support of Plaintiff’s motion
7 for final approval and for attorney’s fees and expenses.

8 2. Robins Kaplan is a nationwide law firm with offices throughout the country,
9 including in Mountain View, California. It offers services in a wide range of practice areas. My
10 own practice is devoted to consumer class actions, and has been for nearly thirty years.

11 3. In this action, I worked with my colleagues, Marie N. Appel, who is counsel with
12 Robins Kaplan and Susan S. Brown, former counsel with Robins Kaplan.

13 **A. Qualification of Counsel**

14 4. I am a consumer class action lawyer with 37 years of experience at the trial and
15 appellate levels. I graduated from Harvard Law School cum laude in 1982. Since 1982, I have
16 focused my practice on complex litigation, and since the early 1990’s, I have particularly focused
17 on plaintiff-side class actions. I am admitted to practice before the Supreme Court of the United
18 States and various state and federal courts.

19 5. Before opening my own firm, I practiced at Morrison & Foerster in San Francisco
20 and then at Lieff, Cabraser, Heimann & Bernstein. Robins Kaplan, where I currently practice,
21 has approximately 250 lawyers. Because I have practice at small, mid-size, and large firms, and
22 because I have devoted my practice to plaintiff-side class actions, I am very familiar with the
23 prevailing hourly rates for lawyers in the San Francisco Bay Area. I established my rate based on
24 the prevailing market rates for attorneys of comparable skill and experience.

25 6. The rate sought in this matter is \$900 per hour. This rate, in my opinion, is
26 commensurate with the reasonable market value of my services, and is even on the low side for
27 the San Francisco Bay Area. The value of my services is reflected in the excellent result we

1 secured for the class in this matter. Courts have approved similar rates for us in the past. Notably,
2 the rates sought by Class Counsel are virtually identical to those approved by Judge Gilliam in
3 *Fowler v. Wells Fargo*.

4
5 **B. The Work Performed and Risks Assumed by Class Counsel**

6 7. We have expended considerable time and effort vigorously litigating this case,
7 including factual investigation, researching complex statutory and regulatory issues,
8 propounding and answering discovery, successfully defeating a pleadings motion, and securing
9 class certification and preliminary settlement approval. Class counsel have collectively devoted
10 thousands of attorney and paralegal hours to this matter, all of which is time that could have been
11 spent on other matters.

12 8. The settlement secured in this matter provides fair compensation for class
13 members' lost time: the hourly rate of compensation offered to class members matches the
14 average national hourly earnings in the United States for the relevant time period, and exceeds
15 the current minimum wage for the State of California. Additionally, the total number of hours for
16 which a class member may claim compensation matches the average time for consumers to
17 rectify an identity theft.

18 9. The time that we have spent on this case, and the funds we have advanced for the
19 litigation expenses, have been completely contingent on the outcome of the action. We have not
20 been paid for any of the time spent on this matter to date.

21 **C. Timekeeping and Lodestar Calculation**

22 10. The regular practice at Robins Kaplan is for all attorneys and any staff whose time
23 is billed to keep contemporaneous time records and describe tasks performed in 0.1 hour
24 increments.

25 11. I carefully reviewed my firm's internal time records and eliminated any duplicate
26 work time spent reviewing work, and time spent on other purely administrative tasks. I also
27

1 deleted all time billed by attorneys and staff who contributed only minimal time to prosecuting
2 the action.

3 12. In connection with the representation of Plaintiffs, the attorney and staff
4 timekeepers at Robins Kaplan have billed a total of 817.60 hours through April 30, 2019. The
5 hours reported were compiled from the firm's contemporaneous time records.

6 13. Robins Kaplan generated a current lodestar of \$313,631.00 representing the
7 Plaintiff as shown in the following chart, which is current as of April 30, 2019:

8	9	10	11	12	13	14	15	16	17
Task	Time (hours)	Lodestar							
Fact Investigation	40.20	\$18,696.50							
Legal Research	3.60	\$2,545.00							
Pleadings/Briefings/Motions	353	\$80,081.50							
Discovery	1153.90	\$176,777.50							
Settlement/Class Certification	84.40	\$35,530.50							
Total	1635.10	\$313,631.00							

18 14. In addition to professional time expended in the case, Robins Kaplan has incurred
19 \$14,078.45 in unreimbursed expenses in this case. The out-of-pocket litigation expenses incurred
20 by Robins Kaplan are summarized below:

21	22	23	24	25	26	27
Category of Expense	Amount					
Document Copying	\$1942.41					
Cab fare and miscellaneous travel	\$34.03					
Out of town travel (airfare, hotels)	\$444.57					
Parking	\$103.28					
Meals	\$132.24					
Telephone charges	\$23.41					

1	Filing fees	\$119.95
2	Process server and messenger	\$335.65
3	Legal research databases and PACER	\$10,942.91
4	Total Expenses	\$14,078.45

5
6 15. All of these expenses were reasonable and necessary for the prosecution of this
7 litigation. The expenses incurred in connection with the litigation are reflected in the financial
8 records of Robins Kaplan maintained by the firm's accounting department. The records are
9 prepared from expense receipts and invoices maintained in the ordinary course of business by
10 Robins Kaplan.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct and that this declaration is executed on this 8th day of May, 2019. in
13 Mountain View, California.

14
15 /s/ Michael F. Ram
16 Michael F. Ram
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